

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAIG), the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Hampshire (Mr. SUNUNU), are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. CORNYN), would vote "yea".

Mr. REID. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAU), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Georgia (Mr. MILLER), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER) would vote "yea".

The result was announced—yeas 79, nays 6, as follows:

[Rollcall Vote No. 208 Leg.]

#### YEAS—79

Akaka	Dorgan	Lugar
Alexander	Durbin	McConnell
Allard	Ensign	Mikulski
Allen	Feingold	Murkowski
Baucus	Feinstein	Murray
Bennett	Fitzgerald	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham (FL)	Nickles
Bond	Grassley	Pryor
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Burns	Harkin	Roberts
Byrd	Hatch	Rockefeller
Cantwell	Hutchison	Santorum
Carper	Inhofe	Schumer
Chafee	Inouye	Sessions
Clinton	Jeffords	Shelby
Cochran	Johnson	Smith
Conrad	Kennedy	Snowe
Corzine	Kohl	Stabenow
Crapo	Kyl	Stevens
Daschle	Landrieu	Talent
Dayton	Lautenberg	Leahy
DeWine	Leahy	Thomas
Dodd	Levin	Warner
Dole	Lincoln	Wyden
Domenici	Lott	

#### NAYS—6

Coleman	Enzi	McCain
Collins	Lieberman	Voinovich

#### NOT VOTING—15

Bayh	Cornyn	Kerry
Boxer	Craig	Miller
Breaux	Edwards	Sarbanes
Campbell	Graham (SC)	Specter
Chambliss	Hollings	Sununu

The resolution (S. Res. 445), as amended, was agreed to, as follows:

(The resolution will be printed in a future edition of the RECORD.)

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mrs. BOXER. Mr. President, because of previous long-standing commitments in the State of California and an unexpected family illness, I was not able to be present to vote on the Senate Intelligence Reform Resolution.

Had I been present, I would have voted "yes."

Earlier this week, the Senate overwhelmingly passed legislation to implement recommendations of the 9/11 Commission in terms of reforming the intelligence structure of the executive branch and strengthening our efforts at homeland security. That was an important bill, and I hope we can quickly resolve differences with the House so that it can be sent to the President for his signature.

Equally important, however, is to implement intelligence reforms here in the Senate, as was also recommended by the 9/11 Commission.

This resolution strengthens the Senate Intelligence Committee, and it creates a new Intelligence Appropriations Subcommittee. In addition, the Government Affairs Committee will become the Homeland Security and Governmental Affairs Committee, and the Committee will have greater jurisdiction over the Department of Homeland Security.

All three of these steps will streamline operations in the Senate and make it easier for the Senate to conduct meaningful oversight of intelligence and homeland security. •

The PRESIDING OFFICER (Mr. HAGEL). The distinguished minority leader.

Mr. DASCHLE. Mr. President, I ask the Senator from West Virginia have 5 minutes prior to the next vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

#### THE SABBATH

Mr. BYRD. Mr. President, I am not going to show any disrespect for the distinguished leader, majority leader, who is talking right now, so I will wait until he is finished.

I was saying, I think the distinguished majority leader for listening to what I am saying. I will be brief. I am not sure I will use 5 minutes.

Mr. President, in my office hangs the Ten Commandments. We have heard a lot about the Ten Commandments in recent years. I believe in the Ten Commandments. I believe we ought to respect those commandments, one of which says:

Remember the Sabbath Day, to keep it holy.

I am not saying I am a good man. My Bible says that no man is good. No man is good. But I think we ought to show some respect to those Christians in the body, and in our country, and many people who are not Christians, our Jewish friends, who believe in the Ten Commandments. As a matter of fact, the Ten Commandments originate, as we know, at the time when Moses went up on Mount Sinai and was given the tablets by God himself, by the Almighty himself. So we believe that.

I am a Christian. I may not be the best one around. I don't claim to be. But I do claim to be a Christian. I be-

lieve that way, and I believe that we ought to observe the Ten Commandments. I think that this body, as the greatest legislative body in the world, together with the other body, in particular should set an example of respecting the various religions that make up our Nation. That is why I take the floor today.

I think we are setting a bad example. I don't think we are showing proper respect to Christians in our country, and all over the world, for that matter, by publicly failing to observe that Commandment, that we keep the Sabbath Day holy and remember it.

I want to say I am protesting the fact that we are going to have a vote on tomorrow. I told my leadership I had hoped we wouldn't have votes on tomorrow. I also offered to say, Well, it is fine to have votes after sundown. The old Sabbath ran until sundown. Let's have any votes after sundown. If we have to have votes, let's have them after sundown. I asked my leaders to consider that. They did, and for various reasons they decided not to—that we had to have the vote.

I have to say as majority leader, when I was majority leader, I could have easily put this vote over to Monday simply by adjourning and not coming in tomorrow—which I would do, in this case. If there were an emergency, if something suddenly came up and it was a dire emergency, of course. You know the Bible says the ox may be in the ditch and we have to get it out of the ditch. But the ox is not in the ditch here. We have wasted a lot of time this year, and recently. We waste a lot of time. We are not in session when we could be in session. Then all of a sudden, here we are going to have this vote on Sunday. There are practicing Christians who like to go to church and want to observe this commandment.

So I say of course I will be in to vote. I have cast more rollcall votes than any other Senator in the history of the country. I guess I will not miss this one. But I am protesting. It could have been otherwise. It didn't have to be. It didn't have to happen tomorrow. We could have had it earlier. We jam these. We have a way around here in the Senate lately of jamming. The leadership on the other side—I have to say the Republicans are in control of the body—they have a way of jamming us. Maybe we are all at fault a little bit. But there is no reason why we should have to come in on a Sunday, on the Sabbath, and have rollcall votes. I protest it today. I hope it won't be done again after this year. I hope I will still be living and still be serving in the body.

I hope leadership will take this into consideration in the future and get our work done before the Sabbath comes and avoid having meetings on the Sabbath Day. It just isn't necessary. It is not a dire emergency. If it were, as I said, and the ox were in the ditch, I would say let us get it out and let us go in and vote. If it is important to the safety of the Nation, to the safety of

the American people, or whatever, dire, we have to do it, of course. I think the Almighty would waive the Commandment as far as that is concerned. I understand we have duties, but I don't think it has to be done now.

I want to complain about the way we have done the business of the Senate—lagged along and dragged along and come in and have voting sessions on late Tuesday or Wednesday or Thursday, and we go out on Friday. We don't come in until Monday late. There are all kinds of reasons which I will bring up at another time perhaps and talk again about it.

I am not thinking at this point that we are going to be able to waive this unless the majority leader will be of a mind to put this vote over until Monday.

May I have 1 more minute, please.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I don't see why we can't have the vote today, or if not today, move it over until Monday. That could be done. The majority leader can easily do this, no question about it. I could do it when I was majority leader. I respect the majority leader, and I respect his doing whatever he has to do, but I am saying that a stitch in time would save nine.

As one Senator, I say that we should uphold the Commandments. I have always felt that side of the aisle and this side of the aisle are highly observant of the 10 Commandments and make a big to-do about religion in this country. Why don't we have a little religion here today and put this vote over from tomorrow and not come in on Sunday? Can't we do that?

I thank the Senators for allowing me to say these few words. I thank them. I will take my seat.

#### PROVIDING AGRICULTURAL DISASTER ASSISTANCE

The PRESIDING OFFICER. Under the previous order, the clerk will report Senate Resolution 454 by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 454) expressing the sense of the Senate that the 108th Congress should provide the necessary funds to make disaster assistance available for all customarily eligible agricultural producers as emergency spending and not funded by cuts in the farm bill.

Mr. DAYTON. Mr. President, I rise in support of the resolution by the Senator from Iowa, the ranking member on the Senate Agriculture Committee, and I wish to support his outrage to the rip-off of money from the Conservation Security Program to pay for Agriculture disaster aid.

The Conservation Security Program exists because of the heroic efforts of the Senator from Iowa, Senator HARKIN.

It was reported out of the Senate Agriculture Committee, on which I am proud to serve,

It passes the Senate, the House, and it was signed into law by the President in 2002.

The program is underway, and it is benefiting farmers in my State of Minnesota and elsewhere.

The bill the Senate passed back then also included disaster aid—but the House bill do not.

In Conference Committees, the House opposed disaster aid, the White House opposed disaster aid, so the final legislation contained no disaster aid.

It was a terrible hole in an otherwise excellent Bill, for its counter-cyclical program. As crop prices go up—price supports go down—farmers make more money from higher market prices and taxpayers save money.

Everyone wins except farmers who suffer disasters and lose most or all of their crops. They get no benefit from higher market prices because they have little or no product to sell.

Because of a cruel twist of fate, they watch their hard work amount to nothing—nothing except destitution and bankruptcy.

If there were ever a time when government should lend a helping hand, it's in the face of a natural disaster.

Disaster aid is all of us insuring every one of us.

Hurricane, tornado, flood drought, frost, heat wave, epidemic, who among us is not potentially vulnerable to a disaster?

And if we lose our home, business, or farm, and are left destitute by that disaster, and if we have paid our taxes for years to benefit others, shouldn't our fellow citizens extend a hand to help us back on our feet?

Not a hand out but a hand up, a hand back up to productivity, profitability and dignity.

The House of Representatives would not extend that helping hand to America's farmers. The White House would not extend that helping hand to America's farmers. So much for compassionate conservatism.

I guess that means you are very conservative with your compassion. It doesn't go very far. It goes mainly to those who don't need it. And there is little left for those who do.

This time a number of us in the Senate insisted upon disaster aid for our farmers who have suffered losses during the last 2 years.

A couple of weeks ago, the House sent over a \$2 billion hurricane disaster aid bill. We were asked to pass it without debate. The President was traveling to Florida the next day. Just like that, \$2 billion, with no questions asked, no offset.

I supported that aid. But I made it clear, as did my colleagues, that I would not support further disaster aid that did not include Minnesota's farmers.

Now we have that disaster aid. In part; it covers only 1 of the past 2 years.

So those farmers hit the hardest—those who had the exceptional misfor-

tune to suffer natural disasters in both years—they will receive no help for 1 of those 2 years.

That is compassionate conservatism—those hurt the worst get only half the help. Unfortunately, that was the best we could do. But we certainly did not expect that disaster aid would be taken away from conservation security, robbing one farmer to help another.

Helping hurricane victims didn't come out of another program. Hurricane victims won't have to choose between one of two hurricanes.

This isn't right. It isn't just. And it's certainly not compassionate.

This offset is not only unfair, it is unnecessary. The 2002 farm bill has spent \$16 billion less than originally designed, due to higher market prices.

The counter-cyclical program designed by Senator HARKIN has worked—\$16 billion budgeted has not been expended. It will not be expended. But—we are told—OMB will not count those savings.

And once again, the Legislative Branch, which constitutionally has the right to appropriate—is toadying up to the Executive Branch.

As Senator BYRD has reminded us so eloquently, we serve with the Executive Branch; we don't serve under the Executive Branch.

I think the House and the White House are all too eager to gut another farm program and this is their excuse.

Well, we have an election upcoming and no that day America's Farmers should reject that excuse.

Mr. JOHNSON. Mr. President, disaster assistance has nearly always been designated as emergency spending, just like the President's supplemental request now, which he wants to designate as emergency spending. The Senate spoke clearly by approving our agricultural disaster aid amendment that treats agricultural disaster just like any other disaster, as emergency spending and not off-set by other programs.

The President's supplemental request calls for agricultural emergency disaster aid for farmers and ranchers, but only for those whose crops or livestock have been damaged by a hurricane or tropical storm. And as I said, he did not require that the assistance be off-set. If we are going to treat all farmers and ranchers the same, the disaster aid for them should make no difference if it is because of a drought in Texas, Colorado or South Dakota, or a flood in Ohio or Pennsylvania or West Virginia.

There is a huge disparity in matching up the disaster assistance spending, which will occur in fiscal year 2005, against the offset, which is spread across fiscal years 2006 through 2014. Because of this mismatch there would be a budget point of order against this conference report if it includes the offset from the farm bill as an offset for the farm bill. This is another reason why the disaster assistance should be designated emergency spending as it